IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA	0.0700450	
	Plaintiff,) 8:07CR152)	
	vs.) DETENTION ORDER	
ВО	BBY T. MC CARTHER,	,	
	Defendant.	,	
A.	. <u>Order For Detention</u> After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on May 10, 2007, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).		
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 		
C.	distribute "crack" cocaine minimum sentence of ten imprisonment. (b) The offense is a crime of (c) The offense involves a nation (d) The offense involves a lar	nd includes the following: e offense charged: o distribute and the possess with intent to in violation of 21 U.S.C. § 846 carries a years imprisonment and a maximum of life violence. arcotic drug. ge amount of controlled substances, to wit:	
	may affect wheth The defendant hat X The defendant hat X The defendant hat The defendant is The defendant of ties. X Past conduct of Services that he of feel he could go X The defendant hat The defendant hat The defendant hat The defendant hat Court proceeding	ppears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community loes not have any significant community of the defendant: defendant told Pretrial was on the run from the police and did not to work for the past year. as a history relating to drug abuse. as a history relating to alcohol abuse. as a significant prior criminal record. has a prior record of failure to appear at	

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(c)	Probation Parole Release pending trial, sentence, appeal or completion of sentence. Other Factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
X (4) The nature and seriousness of the danger posed by the defendant's release are as follows: The nature of the charges in the Indictment, the defendant's extensive prior criminal history, and the defendant's drug abuse history.	
In dete on the which X (a)	ermining that the defendant should be detained, the Court also relied following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) the Court finds the defendant has not rebutted: That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from

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- persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: May 10, 2007. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge